

RESOLUTION NO. 2024-67

A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE AMENDMENTS TO THE DEPARTMENT OF THE ARMY FLOOD PROOFING PARTICIPATION AGREEMENTS AND AMENDMENTS TO THE CITY OF FRANKLIN HOMEOWNER FUNDING AGREEMENTS FOR THE HARPETH RIVER FLOOD RISK MANAGEMENT PROJECT (U.S. ARMY CORPS OF ENGINEERS HOME RAISING PROGRAM).

WHEREAS, the May 2010 flood event created devastation throughout the Harpeth River Watershed and caused 4 fatalities and over \$480 million in direct economic impacts in the Harpeth River Watershed alone. For this reason, the Department of the Army, represented by the United States Army Corps of Engineers (Corps), conducted a preliminary reconnaissance of the Harpeth River Watershed and found over 850 structures in the regulated floodplain within the basin located in the City of Brentwood, City of Franklin, Williamson County, and Davidson County; and

WHEREAS, on June 13, 2013, the Corps, City of Franklin, Metropolitan Nashville and Davidson County, City of Brentwood, and Williamson County signed an initial Feasibility Study Agreement to analyze alternative flood risk management options. The feasibility study evaluated numerous flood risk management options and provided an analysis of cost and benefits associated with various projects. The Corps determined that one project was considered economically justified, that being a home raising program; and

WHEREAS, on September 12, 2016, the City of Franklin entered in to a second agreement with the Corps to fully develop the flood risk management project/home raising program; and

WHEREAS, on July 10, 2018, the Board of Mayor and Aldermen approved Resolution 2018-53, "A Resolution Authorizing Staff to Proceed with the Home Raising Project Developed by the United States Army Corps of Engineers as part of the Harpeth River Feasibility Study"; and

WHEREAS, on April 23, 2019, the Board of Mayor and Aldermen approved Resolution 2019-53, agreeing to participate in the project as the Non-Federal Sponsor, with the source funding for the project being: the Corps agrees to pay for 65% of the construction, temporary relocation, and project administration costs, and the 35% of remaining Non-Federal Sponsor project costs are split 50/50 between the City of Franklin and eligible home raising property homeowner (65% Corps / 17.5% City of Franklin / 17.5% homeowner); and

WHEREAS, on October 27, 2020, the Board of Mayor and Alderman approved Resolution 2020-181, a resolution approving a Project Partnership Agreement (PPA), COF Contract No. 2020-0071, between the Corps and City of Franklin which outlined the cost share/contributions of both the Corps and City of Franklin for the home raising construction and project administration, thereby allowing the project to move in to the construction phase; and

WHEREAS, a required construction Flood Proofing Participation Agreement (FPPA) between the Corps, City of Franklin, and homeowners officially brings the homeowners on to the home raising program, gives the specific program details and requirements of all three parties, and will need to be executed with each participating homeowner (35 eligible properties); and

WHEREAS, in order to create the mechanism for the City of Franklin to receive the homeowner's 17.5% contribution to the construction costs, a separate Homeowner Funding Agreement ("HFA") between the City of Franklin and each participating homeowner (35 eligible properties) is required and states the homeowner must submit their full estimated 17.5% cost share to the City of Franklin before construction can commence; and

WHEREAS, on April 13, 2021, the Board of Mayor and Aldermen approved Resolution 2021-78, authorizing the City Administrator to execute all Home Raising Program related Flood Proofing Participation Agreements and City of Franklin Homeowner Funding Agreements with the Corps and eligible homeowners, in order to make the process of executing the possible 70 construction related agreements expeditious, thereby minimizing contract administration and construction delays; and

WHEREAS, since Spring 2023, multiple FPPAs and HFAs have been executed with eligible homeowners, thereby beginning the home raising program's construction phase, with active home raising construction currently taking place; and,

WHEREAS, the FPPAs and HFAs state homeowners agree that unforeseen or unanticipated conditions encountered during performance of the work shall be immediately brought to the attention of the Corps and the City of Franklin for investigation, and subject to a determination that such conditions should not have been anticipated and were outside the control of either the homeowners or their contractor, the Corps and the City of Franklin may consent in writing to an equitable supplementation and modification of the agreements for any costs of performance increased thereby; and,

WHEREAS, homeowner-identified construction time delays and unforeseen or unanticipated construction cost overruns have been submitted to the Corps and City of Franklin and have been determined to be outside the control of either the homeowners or their contractor, and an equitable modification or supplementation to the FPPAs and HFAs are necessary to allow the flood proofing work to be fully completed; and,

WHEREAS, the Board of Mayor and Aldermen desire to make the process of executing any necessary amendments to the original agreement expeditious, thereby minimizing contract administration and construction delays.

NOW THEREFORE, BE IT RESOLVED, BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF FRANKLIN, TENNESSEE, AS FOLLOWS:

SECTION 1. The City Administrator is authorized to execute all Amendments to the Home Raising Program related Flood Proofing Participation Agreement and Amendments to the City of Franklin Homeowner Funding Agreement with the Corps and eligible homeowners for construction time delays.


SECTION 2. The City Administrator is authorized to execute all Amendments to the Home Raising Program related Flood Proofing Participation Agreement and Amendments to the City of Franklin Homeowner Funding Agreement with the Corps and eligible homeowners for unforeseen or unanticipated construction cost overruns, up to ten percent (10%) above the original agreement cost totals.

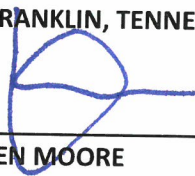
SECTION 3. The City Administrator is authorized to execute all Amendments to the Home Raising Program related Flood Proofing Participation Agreement and Amendments to the City of Franklin Homeowner Funding Agreement with the Corps and eligible homeowners for any administrative agreement changes required by the Corps.

IT IS SO RESOLVED AND DONE on this 27th day of August 2024

ATTEST:

CITY OF FRANKLIN, TENNESSE

By: 
ANGIE SKARP
City Recorder

By: 
DR. KEN MOORE
Mayor

Approved as to Form

By: 
J. Blake Harper, Staff Attorney